DOCKET NO.: 2303-1-5/E-142-96/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Brian R. Murphy et al.

09/083,793

Filed: May 22, 1998

Serial No.:

For: PRODUCTION OF ATTENUATED

> PARAINFLUENZA VIRUS VACCINES FROM CLONED **NUCLEOTIDE SEQUENCES**

Examiner:

. PATENT

Group Art Unit: 1648

DEPOSIT DECLARATION OF

BRIAN R. MURPHY

DATE OF DEPOSIT:

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER FOR PATENTS, P.O. BOX 1450,

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TYPED NAME: Donna Zimmerman

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

I, BRIAN R. MURPHY, hereby declare and state:

- 1. I am an inventor in the above-captioned application.
- 2. Attached to this Declaration is what I am informed and believe to be a true copy of a receipt dated August 8, 1997, of a deposit of biological materials made by myself or by others under my direction. The following deposit was made with the

American Type Cultuore Collection (ATCC), 10801 University Blvd., Manassas, VA 20110-2209 in accordance with the Budapest Treaty:

Respiratory Syncytial Virus (RSV) Subgroup B cp23 Clone 1A2 deposited July 15, 1997, accorded ATCC Accession Number VR-2579.

Human respiratory syncytial virus mutant RSV A2 cpts-248 deposited March 22, 1994, accorded ATCC Accession Number VR-2450.

Human respiratory syncytial virus mutant RSV A2 cpts-530/1009 deposited March 22, 1994, accorded ATCC Accession Number VR-2451.

Human respiratory syncytial virus mutant RSV A2 cpts-230 deposited March 22, 1994, accorded ATCC Accession Number VR-2452.

Human respiratory syncytial virus mutant RSV A2 cpts-248/955 deposited March 22, 1994, accorded ATCC Accession Number VR-2453.

Human respiratory syncytial virus mutant RSV A2 cpts-248/404 deposited March 22, 1994, accorded ATCC Accession Number VR-2454.

Human respiratory syncytial virus mutant RSV A2 cpts-530/1030 deposited March 22, 1994, accorded ATCC Accession Number VR-2455.

Human respiratory syncytial virus (RSV), Subgroup B, Strain B1, cp52 Clone 2B5 deposited September 26, 1996, accorded ATCC Accession Number VR-2450. 2542

3. The ATCC is an International Depository Authority under the Budapest Treaty. The above identified deposit has thus been accepted by an International Depository Authority under the provisions of the Budapest Treaty. In accordance with the terms of the Budapest Treaty, all restrictions upon the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent on this application and the deposit will be replaced if viable samples cannot be dispensed by the depository. The deposited material

will be maintained for a period of at least 30 years after the date of the deposit, or five years after the most recent request for a sample, whichever is longer.

4. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made, with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

Dated: Mary 3___, 2003

Brian R. Murphy

Graybeal Jackson Haley LLP 155 108th Avenue N.E. Suite 350 Bellevue, WA 98004-5973

Signature

PTO/SB/21 (05-03) Approved for use through 04/30/2003. OMB 0651-0031

June 11, 2003

Date

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/083,793
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		First Named Inventor	Brian R. Murphy
		Art Unit	1648
		Examiner Name	M. Mosher
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	ENCL	OSURES (check all that apply)	
Fee Transmittal Form		ment Papers Application)	After Allowance Communication to Group
Fee Attached	☐ Drawin	ng(s)	Appeal Communication to Board of Appeals and Interferences
Amendment / Response Licens		ing-related Papers	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
After Final	Petition	n	Proprietary Information
Affidavits/declaration(s)	Petition to Convert to a Provisional Application		Status Letter
		of Attorney, Revocation e of Correspondence Address	Other Enclosure(s) (please identify below):
	Terminal Disclaimer		Deposit Declaration of Brian F
_ Express Abandonment Request	Request for Refund		Murphy
☐ Information Disclosure Statement ☐ CD, N		umber of CD(s)	
Certified Copy of Priority Document(s)	Rema	ırks	
Response to Missing Parts/ Incomplete Application			
Response to Missing Parts under 37 CFR 1.52 or 1.53			
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